

### **REMARKS**

Claim 1 has been amended, and claims 2-11 have been cancelled. New claims 12-33 have been added. No new matter is introduced by the claim amendments and new claims. Claims 1 and 12-33 remain pending.

The amendments are presented herein so as to expedite prosecution, and the original or any other claim scope is not conceded. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

The Examiner has rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Andersson et al (US Patent 6,931,016) in view of Gibrech (U.S. patent 6,173,399). The Examiner's rejections are respectfully traversed as follows.

Claim 1 is directed towards an “apparatus for routing packets from a first network node to a second network node in a data network.” Claim 1 recites “means for assigning and then sending one or more unique first node identifiers (IDs) to the first node, wherein at least one of the one or more unique first node IDs is assigned and sent in response to a request from the first node for an identity assignment, wherein each of the one or more unique first node IDs is assigned by one or more entities other than the first node, and wherein each of the one or more unique first node IDs is associated with a first virtual private network (VPN).” Claim 1 further recites “means for receiving a packet from the first node, said packet including at least one unique first node ID and routing information for routing said packet to a destination address associated with said second node” and “means for routing the received packet to the destination address based on the received routing information and the received at least one unique first node ID and the destination address being associated with the first VPN.” Claims 12 and 23 recite techniques or apparatus for performing similar operations.

The primary reference Andersson is directed towards a VPN management system. However, Andersson fails to teach or suggest techniques or apparatus for assigning and sending an ID (that is also associated with a VPN) in response to a identity request from a requesting node and then routing a packet based on its ID and the ID's associated VPN, in the manner claimed. Although Andersson does describe a manager server for managing membership in a VPN for other nodes (see manager server 14 of Fig. 1), Andersson does not describe assigning an ID, which is associated with a VPN, in response to an ID request. In the cited portion of Column 3, Lines 49-51, Andersson

states that “the manager server 14 includes data storage 22 (e.g., a database) for storing information relating to one or more VPNs.” Andersson then goes on to describe this data storage as relating each VPN to a VPN identification code, security data, and a list of network devices (or routers 18) that are members of the VPN. See Col. 3, Line 67 through Col. 4, Line 7. Even if this list of network devices were interpreted as node IDs, Andersson does not appear to describe how a node ID is assigned or sent to a requesting node, in the manner claimed.

Andersson goes on to describe how a router can join a particular VPN. The manager server first receives a request from a router to join a particular VPN (step 402 of Fig. 4). If the request passes authentication and the requested VPN exists (step 406 and 408), the server then causes messages to be sent to all current member routers and the requesting router so as to set up tunnels between each member router and the requesting router. See Col. 4, Line 61 through Col. 5, Line 12. On the other hand, if the requested VPN does not exist, a new VPN list database is initialized. See Col. 4, Lines 38-53. Although the new VPN database is initialized to include the “VPN identifier and Internet Protocol address (of the requesting router) parsed from the request” (supra Lines 47-48), the IP address is obtained from the request itself, rather than being assigned and sent to a requesting node in response to an identification request from such requesting node. Since such IP address appears to be assigned prior to the described request, which is not a request for an identification, Andersson fails to teach or suggest techniques or apparatus for assigning and sending an ID (that is also associated with a VPN) in response to an identification request from a requesting node, in the manner claimed. Nor does Andersson disclose routing a received packet based on its assigned ID and its associated VPN, in the manner claimed. The secondary reference Gilbrech also fails to teach or suggest such claimed limitations.

In light of the foregoing, it is respectfully submitted that claims 1, 12, and 23 are patentable over the cited art of record. The Examiner’s rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 13-22 and 24-33 each depend directly or indirectly from independent claims 12 or 23 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 12 or 23. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. If the Examiner believes that a telephone

conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number listed at the bottom of this page.

Applicants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this amendment is to be charged to Deposit Account No. 504480 (Order No. CISC134C1).

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/Mary R. Olynick/  
Mary R. Olynick  
Reg. 42,963

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100